IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Crl.Rev.Pet.No. 1739 of 2007()

CRA.381/2005 of SESSIONS COURT, KOLLAM
CC.1266/2003 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOTTARAKKARA

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REVN. PETITIONER:

G.SOMASEKHARAN NAIR,
PLAVILA MELETHIL VARUVILA PUTHEN VEEDU,
T.C.NO.53/2444, J.P.LANE,
KULAKKUDIYOORKONAM, NEMAM,
THIRUVANANTHAPURAM

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:

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1. S.PRABHAKARAN PILLAI,
THEKKEKOPPARA VEEDU,
(KOPPARA PUTHEN VEEDU),
ANAKKOTTOOR MURI,
NEDUVATHOOR VILLAGE,
KOTTARAKKARA.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SMT.RESHMI POULOSE
PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 17/04/2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

Crl.R.P. No. 1739 of 2007

Dated this the 17th day of April, 2007

O R D E R

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for one year and to pay compensation of Rs.1,37,000/- under Section 357(3) Cr.P.C. The petitioner-accused challenged the conviction and sentence in appeal. The appellate court dismissed the appeal confirming the conviction and sentence as well as the direction to pay compensation. The revision is filed challenging the judgment of the appellate court and, the conviction and sentence thereunder.

The petitioner and the first respondent have settled the dispute involved in the case and a petition for compounding was filed. The petition for compounding was allowed. Since the matter is settled between the parties, the conviction and sentence imposed on the petitioner are set aside, and the petitioner is acquitted under Section 320(8) of the Cr.P.C. Since the petitioner is in jail, he shall be released forthwith, if his detention is not required in connection with any other case.

(K.T.SANKARAN)
JUDGE

ms

K.T.SANKARAN, J.

Crl.M.Appl.No. 4874 of 2007
in Crl.R.P.No. 1739 Of 2007

Dated this the 17th day of April, 2007

O R D E R

A joint petition is filed by the counsel for the petitioner and the counsel for the respondent under Section 147 of the Negotiable Instruments Act, stating that the dispute between the parties have been settled and the amount due to the first respondent has been paid.

In the facts situation, the application is allowed.

(K.T.SANKARAN)
JUDGE

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